IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (l) NO. 1359 OF 2006

Mrs. Shraddha Subodh Sthalekar.... Petitioner
vs.
The State of Maharashtra & ors.... Respondents

Mr. Sajal Biswas for petitioner
Ms. Iman Calcuttawala AGP for respondents 1 and 3.
Kisan Sukase with Sandesh Deshpande for respondent no.2.

CORAM: D. G. KARNIK **J.**

DATE:20/6/2006

P.C.:

1. Heard learned counsel for the petitioner and respondents nos. 1 to 3 and respondent no.2, who appears on notice.
2. By this petition the petitioner seeks to quash and set aside the notice of attachment dated 22nd May 2006. The impugned notice is not addressed to the petitioner. It is addressed to M/s. Saicans, Proprietor Shri Subodh Sthalekar, the husband of the petitioner and seeks to attach his property. If the petitioner claims ownership or any right, title or interest in the property which cannot be attached in pursuance of the said notice but is wrongfully attached the petitioner has adequate alternate remedy under sub rule 19 Rule 107 of the Maharashtra State Cooperative Societies Rules.
3. The question whether the petitioner is the owner or not or has

any right, title or interest in the property or not is a question of fact which can be decided only on the basis of evidence in an euquiry under sub rule 19 of Rule 107 of the Maharashtra State Cooperative Societies Rules. The said question, being a disputed question of fact, cannot be adjudicated in a writ jurisdiction. Hence the petition is rejected.

(D. G. KARNIK **J**)